

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TED MARCUM, : CASE NO. C-1-02-425  
PETITIONER, :  
VS. : JUDGE HERMAN WEBER  
ADULT PAROLE AUTHORITY, :  
RESPONDENT. :

PETITIONER'S "OBJECTION" TO DISTRICT JUDGE  
HERMAN J. WEBER PERTAINING TO THE REGISTRATION,  
AND MOTION FOR "RECONSIDERATION" OF THE  
ENTRIES FILED ON 3-5-2004 AND 3-11-2004

RESPECTFULLY SUBMITTED,

Ted Marcum

TED MARCUM, PETITIONER, PRO SE  
239 NORTH 9TH STREET  
HAMILTON, OHIO 45011

(2)

MEMORANDUM

ON MARCH 5TH, 2004, AN ENTRY WAS FILED (T.D. #) STATING THAT: "JUDGE DAVID S. PERELMAN ADDED. JUDGE JACK SHERMAN NO LONGER ASSIGNED TO CASE."

ON MARCH 11TH, 2004, AN "ORDER" WAS FILED BY MAGISTRATE JUDGE DAVID PERELMAN WHICH STATED IN RELEVANT PART THAT:

"... PETITIONER'S MOTIONS FOR EVIDENTIARY HEARING AND APPOINTMENT OF COUNSEL (DOC. 23), MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM (DOC. 24), AND REQUEST TO ADVISE THE UNITED STATES ATTORNEY GENERAL OF HIS RIGHT TO APPLY FOR 'INTERVENTION' (DOC. 25) ARE DENIED...."

(SEE: MAGISTRATE ORDER, P. 2, FILED ON MARCH 11TH, 2004, (DOC. 27).

PETITIONER COMES NOW BEFORE THE COURT ON AN "OBJECTION" AND A MOTION FOR A RECONSIDERATION ON ALL OF THOSE MOTIONS TO BE REVIEWED DE NOVO BY JUDGE HERMAN WEBER. IN ADDITION,

(3)

PETITIONER RESPECTFULLY "OBJECTS" TO ANY ORDER, JUDGMENT, REPORT OR RECOMMENDATION, FILED HEREINAFTER, BY ANY MAGISTRATE JUDGE.

PETITIONER RESPECTFULLY URGES DISTRICT COURT JUDGE HERMAN WEBER FOR AN ORDER REMOVING ALL MAGISTRATE JUDGES FROM PARTICIPATING ANY FURTHER IN THE COURSE OF THESE PROCEEDINGS.

PETITIONER STATES THAT, IN THE CASE SUB JUDICE, REQUIRES THE LOGIC AND WISDOM OF AN ARTICLE III COURT JUDGE.

PETITIONER STRONGLY URGES JUDGE WEBER TO REVIEW DE NOVO, THE MOTIONS FILED BY THE PETITIONER IN (DOC. 23), (DOC. 24), AND (DOC. 25), AND RESPECTFULLY MOVES THE COURT FOR A RECONSIDERATION AND AN ORDER TO "GRANT" THOSE MOTIONS.

PETITIONER STATES THAT HE RECENTLY FOUND OUT A FEW DAYS AGO THAT THE MAGISTRATE WAS "REASSIGNED" TO THIS CASE, AND THAT THE SAME MAGISTRATE DENIED THE ABOVE MOTIONS ON MARCH 11TH, 2004. PETITIONER FURTHER STATES

(4)

THAT DUE TO A "TYPO ERROR" THAT THE CLERK HAS BEEN SENDING MAIL TO THE PETITIONER AT AN INCORRECT ADDRESS (SEE: DOC. # 29 AND # 30 "MAIL RETURNED UNDELIVERABLE"), WHICH EXPLAINS "WHY" THE PETITIONER HEREIN HAS FILED THIS DELAYED OBJECTION AND/OR MOTION FOR "RECONSIDERATION" AT THIS LATE STAGE OF THE PROCEEDINGS.

PETITIONER STATES THAT THIS CASE IS AN ORIGINAL HABEAS CORPUS ACTION FILED DIRECTLY WITH JUDGE HERMAN WEBER PURSUANT TO ART. I, SEC. 9 CL. 2., AND ART. III OF THE UNITED STATES CONSTITUTION. PETITIONER HAS CHALLENGED THE CONSTITUTIONALITY OF BOTH: STATE AND FEDERAL LAWS AS "UNCONSTITUTIONAL." PETITIONER RESPECTFULLY ASKETH JUDGE WEBER TO WRITE THE "OPINION" OF THE COURT... FOR HE IS AN "ARTICLE III COURT JUDGE" THAT WILL SHED NEW LIGHT ON A NEW AREA OF LAW IN HABEAS CORPUS CASES.

PETITIONER STATES THAT THE INSTANT CASE RAISES "NOVEL CLAIMS" ASSERTED WITHIN PETITIONER'S HABEAS PETITION AND BY THE "TWO PART TRAVERSE" FILED BY PETITIONER.

(5)

PETITIONER STRONGLY INCOURAGES HONORABLE JUDGE WEBER TO CONDUCT ALL FURTHER PROCEEDINGS. PETITIONER STRONGLY "OBJECTS" TO ANY AND/OR ALL MAGISTRATE JUDGES FROM PARTICIPATING IN THE ACTIVITIES RELATED TO THIS HABEAS CORPUS CASE. PETITIONER STRONGLY, BUT RESPECTFULLY, URGES HONORABLE JUDGE WEBER TO BE THE "AUTHOR" OF ALL FUTURE "ORDERS," "RULINGS," "REPORTS," "FINDINGS," "OPINIONS," AND "DECISIONS" OF THE COURT.

PETITIONER STRONGLY URGES JUDGE WEBER FOR A "RECONSIDERATION" ON THE MOTIONS THAT PETITIONER FILED PREVIOUSLY IN (DOC. #23), (DOC. #24), AND (DOC. #25). PETITIONER MOVES THE COURT TO REVIEW THOSE PLEADINGS DE NOVO, AND TO "GRANT" THE RELIEF PRAYED FOR AS ALREADY EXPRESSED AND EXPLAINED IN THOSE MOTIONS.

WHEREFORE, IN LIGHT OF ALL THE ABOVE REASONS, PETITIONER ("MARCUM") ASKETH DISTRICT COURT JUDGE HERMAN J. WEBER TO "GRANT" THIS "OBJECTION" AND MOTION FOR "RECONSIDERATION." PETITIONER ASKETH JUDGE WEBER TO

(6)

CONDUCT ALL FUTURE PROCEEDINGS, AND TO BE THE "AUTHOR" OF ALL FUTURE ORDERS, DECISIONS, REPORTS, AND OPINIONS OF THE COURT. PETITIONER ASKETH JUDGE WEBER TO READ THE ENTIRE FILE RECORD AND ALL PLEADINGS, MOTIONS AND EXHIBITS COMPILED IN THIS EXTRAORDINARY HABEAS CORPUS ACTION.

PETITIONER CONCLUDES HIS MOTION BY ASKING JUDGE WEBER TO TAKE HIS TIME RESEARCHING THE NUMEROUS CASES CITED BY THE PETITIONER. PETITIONER ASKETH JUDGE WEBER TO RECOMMEND THAT THE FINAL "DECISION" OR "OPINION" OF THE COURT IN THIS CASE, WHEN GETTING AROUND TO ADJUDICATE THE MERITS ON ALL OF MARCUM'S NUMEROUS CLAIMS, BE RECOMMENDED FOR "PUBLICATION" IN THE FEDERAL SUPPLEMENT. IT IS FOR THIS ADDED REASON AS TO "WHY" PETITIONER REQUESTS OF JUDGE WEBER TO WRITE THE "FINAL OPINION" OF THE COURT, SO AS TO ENHANCE THE LIKLIHOOD THAT THE COURT'S DECISION IN THIS CASE, WILL GO DOWN IN THE LAW BOOKS.

(7)

ACCORDINGLY, PETITIONER HUMBLY MOVES  
THIS HONORABLE COURT TO PULL THIS CASE  
OUT FROM BENIETH THE FEET OF THE  
MAGISTRATE.

VERY RESPECTFULLY SUBMITTED,

oed marcum

TED MARCUM, PRO SE  
239 NORTH 9TH STREET  
HAMILTON, OHIO 45011

CERTIFICATE OF SERVICE

THIS IS HEREBY TO CERTIFY THAT A TRUE  
COPY OF THE FORGOING MOTION HAS BEEN SERVED  
UPON MR. STUART ALAN COLE, ASSISTANT OHIO  
ATTORNEY GENERAL, AT: 150 EAST GAY STREET,  
16TH FLOOR, COLUMBUS, OHIO 43215-6001, ON  
THE 5TH DAY OF MAY, 2004, BY REGULAR  
FIRST CLASS, U.S. MAIL, POSTAGE PREAFIX.

oed marcum

TED MARCUM, PRO SE  
239 NORTH 9TH STREET  
HAMILTON, OHIO 45011